

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MARTIN TANKLEFF,

Plaintiff,

MEMORANDUM & ORDER
09-CV-1207(JS)(WDW)

-against-

THE COUNTY OF SUFFOLK, K. JAMES
MCCREADY, NORMAN REIN, CHARLES
KOSCIUK, ROBERT DOYLE,
JOHN MCELHONE, JOHN DOE POLICE
OFFICERS #1-10, and RICHARD ROE
SUFFOLK COUNTY EMPLOYEES #1-10,

Defendants.

-----X
APPEARANCES:

For Plaintiff:

Barry C. Scheck, Esq.
Deborah L. Cornwall, Esq.
Emma Kate Freudenberger, Esq.
Neufeld Scheck & Brustin, LLP
99 Hudson Street, 8th Floor
New York, NY 10013

Bruce A. Barket, Esq.
Quadrino Schwartz
666 Old Country Road, Ninth Floor
Garden City, NY 11530

Barry J Pollack, Esq.
Miller & Chevalier Chartered
655 Fifteenth St, NW, Suite 900
Washington, DC 20005

For Defendants:

Richard T. Dunne, Esq.
Susan A. Flynn, Esq.
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, NY 11788

SEYBERT, District Judge:

Pending before the Court is Defendants' motion

pursuant to Federal Rule of Civil Procedure 12(f) to strike the A Man for All Seasons quotation from the cover page of the Complaint. Defendants request an Order that Plaintiff file a plain cover page containing only a caption and a docket number, and that the present cover page be stricken from all court records. (Defts. Br. at 4.)

Motions to strike are disfavored. See Illiano v. Mineola Union Free School Dist., 585 F. Supp. 2d 341, 357 (E.D.N.Y. 2008). To prevail, a movant typically must show that the challenged material is irrelevant to the case and that the movant will be prejudiced if the material is allowed to stand. Id. Defendants' delay in filing their motion to strike until a year after they were served with the Complaint suggests that they will not be prejudiced to a degree that would warrant such drastic relief. See Bishop v. Toys "R" Us-NY, LLC, No. 04-CV-9403, 2009 WL 440434, at *3 (S.D.N.Y. Feb. 19, 2009) ("[S]triking portions of a pleading is a drastic remedy disfavored by the courts, and is sparingly granted."). Accordingly, Defendants' motion to strike (Docket Entry 39) is DENIED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: January 21, 2011
Central Islip, New York